

**State of New Hampshire
Board of Medicine
Concord, New Hampshire**

In the Matter of:
Vernon S. Kellogg, M.D.
License No. 13108
(Adjudicatory Proceedings)

Docket No. _____

PRELIMINARY AGREEMENT FOR PRACTICE RESTRICTIONS

The New Hampshire Board of Medicine ("NH Board") granted Vernon S. Kellogg, M.D., a State of New Hampshire license to practice Emergency Medicine on June 7, 2006. Dr. Kellogg holds license number 13108. Dr. Kellogg is also licensed in the Commonwealth of Massachusetts. Dr. Kellogg practices emergency medicine at Athol Memorial Hospital, located in Athol, MA, and Henry Heywood Hospital located in Gardner, MA.

Dr. Kellogg enters into a Preliminary Agreement with the NH Board as follows:

1. Recognizing that professional misconduct allegations are now pending against me before the NH Board and the Board of Registration in Medicine for the Commonwealth of Massachusetts ("Massachusetts Board"), I, Vernon S. Kellogg, M.D., hereby voluntarily agree to abide by certain practice restrictions during my practice of medicine in the State of New Hampshire.

2. I acknowledge that as of October 3, 2007, the Massachusetts Board entered an *Order of Temporary Suspension* which caused an immediate summary suspension of my certificate of registration to practice medicine in the Commonwealth of Massachusetts. A copy of the Massachusetts Board's *Order of Temporary Suspension* is attached hereto and its

terms and conditions are incorporated into this *Preliminary Agreement* by reference. (See **Attachment 1.**)

3. I agree that the *Order of Temporary Suspension* was based in pertinent part, on allegations that I failed to maintain appropriate malpractice insurance, failed to report accurately on my Massachusetts license renewal form information relating to my contact with the Drug Enforcement Administration ("DEA") relating to issuance of a new DEA certificate. Additionally I am alleged to have failed to have provided medical records to the Massachusetts Board relating to patients whom I saw and treated from my home in addition to my emergency room practice at the Athol and Gardner hospital locations.

4. I agree to adopt these practice restrictions in New Hampshire and agree that this restriction shall remain in place until such time as the Massachusetts Board and the NH Board issue administratively final orders resolving the allegations of professional misconduct currently pending before the Boards. See RSA 329:18-a and RSA 329:17-c.

5. I admit to no violations of RSA 329:17, VI or any other laws, statutes or regulations.

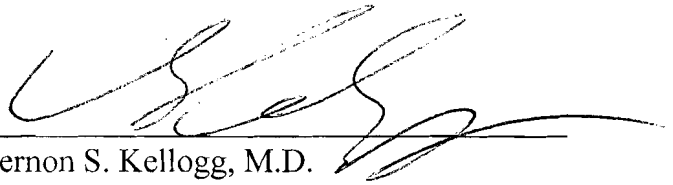
6. I understand that the NH Board may choose to await an administratively final order from Massachusetts Board before acting on the pending allegation of misconduct. I hereby specifically waive any statute of limitations or laches defense, which might then be available as to these misconduct allegations.

7. I further understand that this document shall become a permanent part of my file, and will be maintained by the NH Board as a public document.

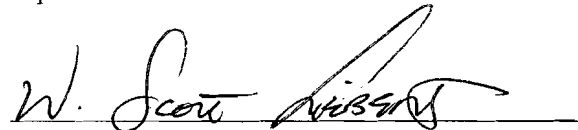
8. I voluntarily enter into this agreement with the NH Board and state that no promises or representations have been made to me other than those terms and conditions expressly stated herein.

FOR RESPONDENT

Date: 11/14/07


Vernon S. Kellogg, M.D.
Respondent


Date: 11/19/07


W. Scott Liebert, Esq.
Counsel for Dr. Kellogg

FOR THE BOARD

This Preliminary Agreement is hereby accepted in accordance with the binding terms and conditions set forth above.

Date: 12/12/07


(Signature)
Name:
Authorized Representative of the
New Hampshire Board of Medicine

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No. 2007-044

In the Matter of)
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Vernon S. Kellogg, M.D.)
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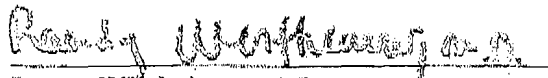
ORDER OF TEMPORARY SUSPENSION

In accordance with the Rules of Procedure Governing Disciplinary Proceedings of the Board of Registration in Medicine, 243 CMR 1.03(11)(a), the Board of Registration in Medicine ("the Board") **ORDERS** that

The certificate of registration to practice medicine in the Commonwealth of Massachusetts of **Vernon S. Kellogg, M.D.**, Registration No. 38932, is **SUSPENDED** effective immediately. **Vernon S. Kellogg, M.D.** must cease the practice of medicine immediately, and he is directed to surrender his wallet card and wall certificate to the Board forthwith.

The Board has determined that, based upon the information set forth in the Motion for Summary Suspension, the health, safety, and welfare of the public necessitates said suspension.

The Respondent shall provide a copy of this Order of Suspension within twenty-four (24) hours to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; and the state licensing boards of all states in which he has any kind of license to practice medicine; Drug Enforcement Administration Boston Diversion Group and the Commonwealth of Massachusetts Department of Public Health Division of Food and Drug. The Respondent is further directed to certify to the Board within forty-eight (48) hours that he has complied with this directive.



Randy Wertheimer, M.D.
Board Member

Dated: October 3, 2007

sent certified mail 10/3/07 KSD